

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW ELOY LOZANO, *et al.*,

Defendants.

Case No.: 2:16-cr-00265-GMN-NJK

SECOND AMENDED ORDER

Pending before the Court is the Government's Motion to Dismiss the Superseding Indictment Against Eleven Named Defendants, (ECF No. 2189). Specifically, the Government names the following Defendants: Andrew Eloy Lozano, Victor Adam Ramirez, James Walter Henderson, Robert Alan Coleman, Paul Jeffrey Voll, John Joseph Siemer, Edward Claridan Chelby, Johnny Russell Neddenriep, Bert Wayne Davisson, Mathew Keith Dunlap, and John Chrispin Juarez. The Government states it believes that, in the interest of justice, the Superseding Indictment against the aforementioned Defendants should be dismissed without prejudice, and moves for leave of court pursuant to Federal Rule of Criminal Procedure 48(a).

Defendants Lozano, Ramirez, Henderson, Coleman, Chelby, Neddenriep, Davisson, Dunlap, and Juarez have filed Non-Oppositions, (ECF Nos. 2197, 2194, 2196, 2202, 2206, 2193, 2195, 2198, 2210), to the Government's Motion. Defendants Voll and Siemer did not respond.

Upon review of the Motion and good cause appearing, **IT IS HEREBY ORDERED** that the Government's Motion to Dismiss is **GRANTED**.

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I. CONCLUSION

IT IS HEREBY ORDERED that the Government's Motion to Dismiss, (ECF No. 2189), is **GRANTED**.

IT IS FURTHER ORDERED that the Superseding Indictment is **DISMISSED without prejudice** as to Defendants Lozano, Ramirez, Henderson, Coleman, Voll, Siemer, Chelby, Neddenriep, Davisson, Dunlap, and Juarez.

IT IS FURTHER ORDERED that, in light of the above, the Motions filed by Defendants Voll, Davisson, and Dunlap, (ECF Nos. 2168, 2152, 2153, 2183, 2184), are **DENIED as moot**.

IT IS FURTHER ORDERED that the calendar call currently set for April 14, 2020, and the trial currently set for April 20, 2020, are **VACATED**.

DATED this 20 day of May, 2021.
Nunc Pro Tunc Date: April 13, 2020.

Gloria M. Navarro, District Judge
United States District Court